

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MUSTAFA AWAD,

Plaintiff,

v.

TDCJ COURT OF APPEALS, ET AL.,

Defendants.

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Civil Action No. **3:19-CV-344-L-BT**

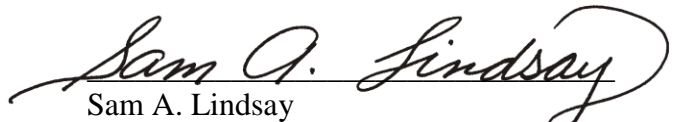
ORDER

Before the court is Mustafa Award's ("Plaintiff") Complaint (Doc. 2), filed February 12, 2019, which he filed *in forma pauperis*. On February 22, 2019, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report"), recommending that the court dismiss this action as barred by the "three-strikes" provision of the Prison Litigation Reform Act set forth in 28 U.S.C. § 1915. The "three-strikes" provision bars a plaintiff from proceeding *in forma pauperis* when he or she, while confined as a prisoner, filed three or more civil actions or appeals that were dismissed as frivolous, malicious, or for failure to state a claim. Plaintiff has previously filed at least three such actions or appeals. Plaintiff has further failed to show that he meets the exception to the "three-strikes" provision, which applies when a plaintiff is in imminent danger of serious physical injury. The Report recommends dismissal with prejudice to the refiling of an *in forma pauperis* complaint raising the same claims as presented here, but without prejudice to the refiling of this complaint with full payment of the \$400 filing fee. On March 11, 2019, the court received a handwritten

letter from Petitioner, which is largely indecipherable and does not set forth any legal objections to the Report.

Having reviewed the record in this case, Report, and applicable law, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action as to the refiling of an *in forma pauperis* complaint raising the same claims herein but **dismisses without prejudice** this action to the extent Petitioner wishes to refile this action in the future with full payment of the \$400 filing fee.

It is so ordered this 30th day of April, 2019.


Sam A. Lindsay
United States District Judge